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LETTER DATED 27 JULY 1993 FROM THE ALTERNATE CHAIRMAN OF THE DELEGATION OF THE RUSSIAN FEDERATION ADDRESSED TO THE CHAIRMAN OF THE CONFERENCE

The attached document, prepared by the delegation of the Russian Federation to the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, contains proposals on the application of minimum standards for the conservation of straddling stocks in high-seas areas immediately adjacent to exclusive economic zones.

I should be grateful if you would have this document circulated as a document of the Conference in the "L" series.

(Signed) V. K. ZILANOV
Alternate Chairman of the delegation
of the Russian Federation to the Conference

ANNEX

On the application of minimum standards for the conservation of straddling stocks in high-seas areas adjacent to exclusive economic zones

(Submitted by the delegation of the Russian Federation)

According to the Convention, (article 63, para. 2), a coastal State and States fishing on the high seas for the same stock or stocks of associated species which occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area.

The minimum international standards for the conservation of straddling fish stocks in high-seas areas adjacent to the exclusive economic zone of a coastal State should be fully consistent with the measures essential for the conservation of the fish stocks of the exclusive economic zone which have been elaborated and implemented by the coastal State in question, since, as a rule, the stocks outside the zone represent only a small part of the fish stock which reproduces and spends the greater part of its life cycle in the exclusive economic zone of the coastal State, where the fishing for such stocks is traditionally established.

The following principles may be adduced in support of such an approach:

1. The straddling fish stocks which migrate from an exclusive economic zone into a high-seas area immediately adjacent to the exclusive economic zone of a coastal State generally only form a small part of a single stock which reproduces and spends the greater part of its life cycle within the coastal marine ecosystem of the exclusive economic zone of one or several coastal States. Consequently, the coastal State (States) has both a right and a duty under the Convention (articles 61 and 62) to conserve this main part of the fish stock, a small part of which periodically leaves the exclusive economic zone on seasonal or ontogenetic migrations.

2. As a rule, this main part of the fish stock, located in the exclusive economic zone of a coastal State, has historically been fished over a long period and the indigenous population and coastal fishing communities owe their economic and social welfare to sound management of that stock.

3. As a rule, this main part of the fish stock in the exclusive economic zone of the coastal State has been scientifically studied over a long period by the coastal State or States, its biological status has been assessed and an extensive body of such observations has been gathered and correlated with observations of the environment, which makes it possible not only to establish yearly total allowable catch levels, but also to adopt tried and tested measures for the regulation and control of fishing with a view to conserving this main part of the stock from over-exploitation.

4. As a rule, the coastal State or States in the exclusive economic zone are harvesting and, consequently, studying not only the species whose population constitutes this main part of the stock, but also the fish stocks of other associated species. As a result, the coastal State or States have at their disposal information on the interdependence of stocks and can use an ecosystemic approach in assessing the stocks and establishing admissible levels for their exploitation.

5. As a rule, the coastal State studies, in the waters of the exclusive economic zone, not only the fish stocks themselves, but also their habitat and a considerable body of observations has been gathered on an entire series of climatic and oceanological parameters. This enables the coastal State to anticipate major changes in the size of fish stocks and, accordingly, to prevent them from being over-exploited, as can easily happen in cases where fishing effort is maintained at the same level during periods when the influence of adverse natural factors causes a sharp decline in fish stocks.

6. As a rule, the coastal State or States bear the main financial burden of monitoring the status of straddling stocks, developing and implementing measures for their conservation and carrying out surveillance of fishing activities.

7. As a rule, the practice of fishing for straddling fish stocks in areas beyond and adjacent to an exclusive economic zone has emerged over the last five to seven years with a lack or, more often, a complete absence of scientific foundation and without any effort to elaborate and comply with conservation measures, and this in turn has already caused a decline in stocks and the breakdown of the system of measures for the regulation of fishing.

As a result, when deciding on the advisability of fishing on the high seas for straddling fish stocks consisting of species which reproduce and spend the greater part of their life cycle in the exclusive economic zone of the coastal State and only leave the zone for short periods, it is absolutely essential that the minimum conservation standards adopted should be standards which have been developed and tried and tested by the coastal State.

The list of such standards for straddling fish stocks, the setting of which should be an essential precondition for any fishing operation in an area adjacent to an exclusive economic zone, should include:

- The identification of fishing areas and seasons which are safe for the fish populations;

- Setting the share of allowable catches for each population of the various species which may be harvested in the high-seas area adjacent to the exclusive economic zone;

- Setting the fishing limits (size, age) of the harvested species;

- Establishing the permitted fishing gear;

- Calculating the fishing effort necessary for harvesting the share of the allowable catch;

- Implementing compulsory surveillance of fishing activities.

The coastal States shall, every year, set basic minimum standards for the conservation of straddling fish stocks on the basis of the best scientific evidence available, and also taking due account of the recommendations of the appropriate international organizations.